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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

12/08/99

Attorney Docket No. 026083/0195

In re patent application of

Hans Heinrich HEIDTMANN *et al.*

Serial No. 09/256,237

Filed: February 24, 1999

For: NUCLEIC ACID CONSTRUCT FOR EXPRESSING ACTIVE  
SUBSTANCES WHICH CAN BE ACTIVATED BY  
PROTEASES, AND PREPARATION AND USE



Group Art Unit: Not Assigned  
TECH CENTER 1600/2900

Examiner: Not Assigned

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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §1.56**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith on a modified Form PTO-1449 is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 C.F.R. §1.97-1.98.

The submission herewith of any document is not intended as an admission either that such document constitutes competent prior art against the claims of the present application or that such document is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). Applicants do not waive the right to take appropriate action to antedate any document that does not constitute a statutory bar and that is determined to be a *prima facie* prior art reference against the claims of the present application, or to otherwise remove such a document as a competent reference.

**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is being filed in compliance with 37 C.F.R. § 1.97(b) before the mailing date of the first Office Action on the merits.

Applicants are submitting herewith on Form PTO-1449, a listing of the documents cited by or submitted to the U.S. Patent Office and Trademark Office in parent application Serial No. 09/008,308, filed January 16, 1998. As provided in 37 C.F.R. §1.98(d), copies of the documents are not being provided since they were previously cited by or submitted to the Patent Office in above-mentioned parent application.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with M.P.E.P. § 609.

Respectfully submitted,

Dec. 6, 1999

Date

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